

STATE OF INDIANA)
) SS:
COUNTY OF SULLIVAN)

IN THE SULLIVAN SUPERIOR COURT
2004 TERM
CAUSE NO. 77D01-0410-MI-00337

DONALD ROBBINS, SR.,)
 Plaintiff)
)
 VS.)
)
CRAIG HANKS, et. al.,)
 Defendants)

FILED
107-00337
OCT 21 2004
Ann Smith Mischler

ORDER

Pursuant to I.C. 34-58-1-1, this Court has examined Plaintiff's Complaint and has determined, pursuant to I.C. 34-58-1-2, that the claim is frivolous in that it does not have an arguable basis in the law and does not state a claim upon which relief may be granted based on the following:

1. The Plaintiff's pleading has failed to state a claim upon which relief may be granted by the Trial Court. The Plaintiff has filed a Writ Of Habeaus Corpus which is a remedy to be utilized when a prisoner is entitled to immediate release from custody. The Plaintiff's pleading contains allegations requesting relief for denial of medical care, discrimination, denial of X-rays, withholding medications, and endangering the health of the Plaintiff.

2. The Plaintiff has filed a separate cause of action addressing these same issues that is pending before the Court under Cause Number 77D01-0410-PL-00325. Plaintiff has yet to pay the filing fee in Cause Number 77D01-0410-PL-00325.

Based on the foregoing, the Court has determined that Plaintiff's Complaint cannot proceed.

SO RECOMMENDED this 21st day of October, 2004.

Ann Smith Mischler
ANN SMITH MISCHLER, Magistrate
Sullivan Superior Court

SO ORDERED this 21st day of October, 2004.

Thomas E. Johnson
THOMAS E. JOHNSON, Judge of the
Sullivan Superior Court

Distribution:

Donald Robbins, Sr.,
DOC #138339
P.O. Box 1111
Carlisle, Indiana 47838

Indiana Department Of Corrections
Attn: Commissioner Evelyn Ridley-Turner
E334 Government Center S
302 W. Washington Street
Indianapolis, Indiana 46204-2760

Patricia Orloff Erdmann
Section Chief, Civil Rights and Employment Litigation OAG,
IGCS - 5th Floor
302 West Washington Street
Indianapolis, IN 46204.